

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL
CIRCUIT IN AND FOR ESCAMBIA COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION
CASE NO.: 2016 CA 001961

WELLS FARGO BANK, N.A.
Plaintiff,

v.

DAVID WILLIAM BAIN; KRISTEN ALLYN FERGUSON;
ANY AND ALL UNKNOWN PARTIES CLAIMING BY,
THROUGH, UNDER, OR AGAINST THE HEREIN NAMED
INDIVIDUAL DEFENDANT(S) WHO ARE NOT KNOWN
TO BE DEAD OR ALIVE, WHETHER SAID UNKNOWN
PARTIES MAY CLAIM AN INTEREST AS SPOUSES,
HEIRS, DEVISEES, GRANTEES, OR OTHER CLAIMANTS
Defendant(s)

PAM CHILDERS
CLERK OF CIRCUIT COURT
ESCAMBIA COUNTY, FL

2017 AUG -8 P 2:04

CIRCUIT CIVIL DIVISION
FILED & RECORDED

FINAL JUDGMENT OF FORECLOSURE

THIS CAUSE came on to be heard on June 14, 2017, on Plaintiff's Motion for Summary Judgment before

☐ the undersigned Circuit Judge and on the evidence presented and the Court being otherwise fully advised in the premises, it is thereupon,

☒ the General Magistrate. The General Magistrate's Report and Recommendations on Final Judgment of Foreclosure dated June 14, 2017, to which no timely exception was filed has been reviewed by the Court and it is hereby ratified, approved, and incorporated herein, it is thereupon,

ADJUDGED THAT:

1. Plaintiff, WELLS FARGO BANK, N.A., 5024 PARKWAY PLAZA BLVD,
CHARLOTTE, NC 28216-1962, is due

Principal due on the note secured by the mortgage foreclosed	<u>\$182,710.97</u>
Interest on the note and mortgage from 06/01/2016 to 01/25/2017	<u>\$3,854.33</u>
Per diem interest at 3.25% (\$ 16.27 per day)	<u>\$0.00</u>
Hazard Insurance Disbursements	<u>\$1,140.89</u>
Hazard Insurance Disbursements	<u>\$1,140.89</u>
Tax Disbursements	<u>\$1,113.27</u>
Tax Disbursements	<u>\$1,113.27</u>
SUBTOTAL	<u>\$188,819.46</u>

Additional Costs:

Late Charges	<u>\$63.92</u>
Filing Cost	<u>\$972.90</u>
Service of Process	<u>\$165.00</u>
Title Search	<u>\$380.00</u>

SUBTOTAL **\$190,401.28**

Less: Credits to Borrower	<u>(\$42.69)</u>
Less: Other	<u>\$0.00</u>
Attorney Fees (as detailed in the Affidavit as to Plaintiff's Attorneys fees and Cost and Reasonable Attorney's Fees):	<u>\$2,800.00</u>

TOTAL **\$193,158.59**

That shall bear interest at the rate of **5.05%** a year.

2. Plaintiff holds a lien for the total sum superior to all claims or estates of defendant(s), on the following described property in ESCAMBIA County, Florida:

Lot 10, in Block B, of Stanford Place, said Lot and Block being according to a plat of Stanford Place Subdivision, as recorded in Plat Book 6, at page 6 of the public records of Escambia County, Florida

Property 7740 RANDWICK ROAD
address: PENSACOLA, FL 32514-6450

3. If the total sum with interest at the rate described in paragraph 1 and all costs accrued subsequent to this judgment are not paid, the clerk of this court shall sell the property at public sale on November 1, 2017 to the highest bidder for cash, except as prescribed in paragraph 4, at the ESCAMBIA County Courthouse, _____ in accordance with Section 45.031, Florida Statutes, using the following method:
(CHECK ONE):
- ☐ At the above location, beginning at 11:00 AM on the prescribed date.
- ☒ By electronic sale beginning at 11:00 AM on the prescribed date at the listed website, www.escambia.realforeclose.com.
4. Plaintiff shall advance all subsequent costs of this action and shall be reimbursed for them by the clerk if plaintiff is not the purchaser of the property for sale, provided, however, that the

purchaser of the property for sale shall be responsible for the documentary stamps payable on the certificate of title. If plaintiff is the purchaser, the clerk shall credit plaintiff's bid with the total sum with interest and costs accruing subsequent to this judgment, or such part of it, as is necessary to pay the bid in full.

5. On filing the certificate of title the clerk shall distribute the proceeds of the sale, so far as they are sufficient, by paying: first, all of plaintiff's costs; second, documentary stamps affixed to the certificate; third, plaintiff's attorneys' fees; fourth, the total sum due to plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 1 from this date to the date of the sale; and by retaining any remaining amount pending the further order of this court.
6. On filing the certificate of sale, defendant(s) and all persons claiming under or against defendant(s) since the filing of the notice of lis pendens shall be foreclosed of all estate or claim in the property and defendant's right of redemption as prescribed by section 45.0315 Florida Statutes (2013) shall be terminated, except as to claims or rights under chapter 718 or chapter 720, Florida Statutes, if any. Upon the filing of the certificate of title, the person named on the certificate of title shall be let into possession of the property.
7. The Court finds, based upon the affidavit presented and upon inquiry of counsel for the Plaintiff, that fees for Plaintiff's counsel in the amount of **\$2,800.00** is appropriate. PLAINTIFF'S COUNSEL REPRESENTS THAT THE ATTORNEY FEE AWARDED DOES NOT EXCEED ITS CONTRACT FEE WITH THE PLAINTIFF. The Court finds that there are no reduction or enhancement factors for consideration by the Court pursuant to Florida Patient's Compensation Fund v. Rowe, 472 So.2d 1145 (Fla. 1985).
8. The requested attorney's fees are a flat rate fee that the firm's client has agreed to pay in this matter. Given the amount of the fee requested and the labor expended, the court finds that a lodestar analysis is not necessary and that the flat fee is reasonable.
9. Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, a deficiency judgment, except where a discharge is applicable or where service of process was not personally obtained.
10. The Plaintiff may assign the judgment and/or credit bid by the filing of an assignment without further Order of the Court.

IF THIS PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MAY BE ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF PERSONS WHO ARE ENTITLED TO BE PAID FROM THE SALE PROCEEDS PURSUANT TO THE FINAL JUDGMENT.

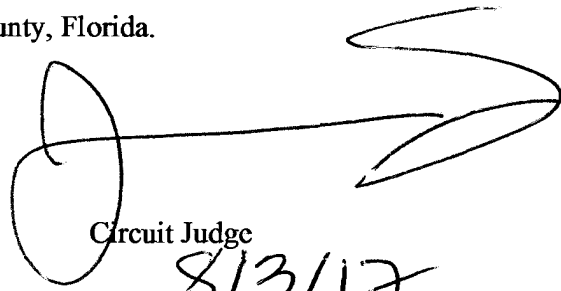
IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN 60 DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

IF YOU ARE THE PROPERTY OWNER, YOU MAY CLAIM THESE FUNDS YOURSELF. YOU ARE NOT REQUIRED TO HAVE A LAWYER OR ANY OTHER REPRESENTATION AND YOU DO NOT HAVE TO ASSIGN YOUR RIGHTS TO ANYONE ELSE IN ORDER FOR YOU TO CLAIM ANY MONEY TO WHICH YOU ARE ENTITLED. PLEASE CHECK WITH THE CLERK OF THE COURT FOR ESCAMBIA

COUNTY, FLORIDA, WITHIN 10 DAYS AFTER THE SALE TO SEE IF THERE IS ADDITIONAL MONEY FROM THE FORECLOSURE SALE THAT THE CLERK HAS IN THE REGISTRY OF THE COURT.

IF YOU DECIDE TO SELL YOUR HOME OR HIRE SOMEONE TO HELP YOU CLAIM THE ADDITIONAL MONEY, YOU SHOULD READ VERY CAREFULLY ALL PAPERS YOU ARE REQUIRED TO SIGN, ASK SOMEONE ELSE, PREFERABLY AN ATTORNEY WHO IS NOT RELATED TO THE PERSON OFFERING TO HELP YOU, TO MAKE SURE THAT YOU UNDERSTAND WHAT YOU ARE SIGNING AND THAT YOU ARE NOT TRANSFERRING YOUR PROPERTY OR THE EQUITY IN YOUR PROPERTY WITHOUT THE PROPER INFORMATION. IF YOU CANNOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT THE Northwest Florida Legal Services, Inc., 701 South J Street, Pensacola, FL 32502, Phone: (850) 432-3999, TO SEE IF YOU QUALIFY FINANCIALLY FOR THEIR SERVICES. IF THEY CAN'T ASSIST YOU, THEY MAY BE ABLE TO REFER YOU TO A LOCAL BAR REFERRAL AGENCY OR SUGGEST OTHER OPTIONS. IF YOU CHOOSE TO CONTACT THE Northwest Florida Legal Services, Inc., 701 South J Street, Pensacola, FL 32502, Phone: (850) 432-3999, FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

ORDERED at Pensacola, ESCAMBIA County, Florida.


Circuit Judge
8/3/17

cc: copies furnished to the attached mailing list

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8/9/2017